

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

DAVION FITZGERALD,

Defendant(s).

Case No. 2:17-CR-295 JCM (NJK)

ORDER

Presently before the court is Davion Fitzgerald's ("defendant") *pro se* motion for release. (ECF No. 67). The government has not responded, and the time to do so has passed.

After the Ninth Circuit vacated defendant's sentence and remanded the case, the court resentenced defendant to credit for time served on Friday, April 10, 2020. (ECF Nos. 65; 66). Defendant indicates in his motion, which was filed on April 14, that he had still not been released from custody. (ECF No. 67).

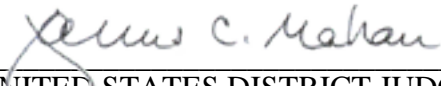
"The failure of an opposing party to include points and authorities in response to any motion constitutes a consent to granting the motion." LCR 47-3. The government has not responded, and the court finds that release is appropriate. However, the court is aware that, in light of the novel coronavirus pandemic sweeping the nation, the Bureau of Prisons has a policy of quarantining inmates for 14 days prior to release. Nonetheless, defendant's two-week quarantine should have expired in the time since he filed his motion.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion for release (ECF No. 67) be, and the same hereby is, GRANTED.

1 IT IS FURTHER ORDERED that defendant shall be released from custody within 72
2 hours of this order.

3 DATED May 8, 2020.

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5 UNITED STATES DISTRICT JUDGE
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